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PTO/SB/21 (09-04)

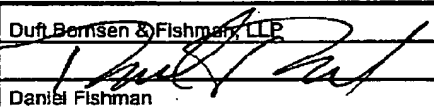
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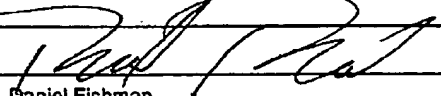
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|--|----------------------|------------------------|---------|
| <b>TRANSMITTAL<br/>FORM</b><br><br><small>(to be used for all correspondence after initial filing)</small> | Application Number   | 10/760,440             |         |
|  | Filing Date          | Jan 20, 2004           |         |
|  | First Named Inventor | Hanson, George E.      |         |
|  | Art Unit             | 2838                   |         |
|  | Examiner Name        | A. Berhane             |         |
| Total Number of Pages in This Submission   | 6                    | Attorney Docket Number | 03-1597 |

| ENCLOSURES (Check all that apply)   |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks<br><b>Request for Pre-Appeal Brief Review</b>   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |       |
|--|---|----------|-------|
| Firm Name                                  | Duft Bornszen & Fishman, LLP  |          |       |
| Signature                                  |  |          |       |
| Printed name                               | Daniel Fishman  |          |       |
| Date                                       | May 19, 2006  | Reg. No. | 35512 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |              |
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LSI Docket No. 03-1597

Application Serial No. : 10/760,440  
Filed : 20 January 2004  
Applicants : G. Hanson  
Title : Dual AC and DC Input DC Power Supply  
Art Unit : 2838  
Examiner : A. Berhane  
Docket Number : 03-1597  
Date : 19 May 2006

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### REQUEST FOR PRE-APPEAL BRIEF REVIEW

Sir:

In response to the Final Office Action mailed 10 March 2006, in conjunction with the Notice of Appeal filed herewith, and in accordance with the procedure outlined in OG Notices (12 July 2005), please consider the following remarks.

No amendment is being submitted with this request. This request is filed concurrently with a Notice of Appeal. Applicants hereby request review of the final rejection in the above-identified matter for the reasons stated herein below.

#### *Reasons for Requested Review*

**The Examiner has failed to establish a prima facie case of anticipation or obviousness.**

The Examiner reads Matsushita as teaching all elements of the claimed invention but for the use of a full wave rectifier. The Examiner then posits that it would be obvious to one of ordinary skill in the art to replace the rectifier of Matsushita with a full wave rectifier. Applicants have exhaustively pointed out inconsistencies in the Examiner's reading of the claimed invention on the structure of Matsushita and have pointed to several structural distinctions between Matsushita and the claimed invention but to no avail.

In this most recent pending final office action, the Examiner seeks to clarify his reading of the claims and Matsushita as follows:

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Applicant's attention is directed to Fig. 1 which examiner would not only identify the elements with the claimed language but also with Applicant's Fig. 3.

Applicant's Fig. 3 elements are identified with Matsushita element. Applicant's element 102 (Matsushita's 21), DC input (26), filter 140 (32), driver circuit 341 (39), switches 34 (41), transformer 343 (22), rectifier 142 (48) and capacitor C1 (49). With respect to Fig. 1 of Matsushita patent, a DC output stage that outputs a predetermined DC electrical power (25), an AC input stage (21) connected to the DC output stage (25), with the AC input stage (21) configured to convert AC electrical power at the AC input stage into the predetermined DC electrical power (21) available at the DC output stage, a DC input stage (26) connected to the DC output stage, with the DC input stage configured to convert DC electrical power at the DC input stage into the predetermined DC electrical power (50) available at the DC output stage, the DC output stage comprises at least one capacitor (49) across a DC positive output terminal and a DC ground output terminal (25), an AC sense circuit (8) that detects AC electrical power at the AC input stage, the DC input stage (30) comprises a DC input stage disable line connected to the AC sense circuit, and wherein the DC input stage disable line (34) disables outputting the predetermined DC electrical power from the DC input stage when the AC sense circuit detects AC electrical power at the AC input stage, a switching circuit (69) that receives the DC electrical power and that is configured to generate a substantially AC waveform at a first AC voltage level from the DC electrical power, a transformer (22) connected to the switching circuit and configured to convert the substantially AC waveform at the first AC voltage level to a second AC voltage level; and a rectifier (48) connected to the transformer and configured to convert the substantially AC waveform at the second AC voltage level to the predetermined DC electrical power, a buffer stage (15 & 41) connected to the switching circuit and configured to provide electrical current to the substantially AC waveform. Matsushita teach the use of a full wave rectifier in Fig. 4 (3 and 4).

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Expressing these elements in tabular form for ease of reading, the Examiner finds the claimed elements of claim 1 (for example) as follows:

| Claim 1 elements   | Matsushita FIG. 1 element |
|--|---------------------------|
| a DC output stage that outputs a predetermined DC electrical power;  | 25                        |
| an AC input stage connected to the DC output stage, with the AC input stage configured to convert AC electrical power at the AC input stage into the predetermined DC electrical power available at the DC output stage; and   | 21                        |
| a DC input stage connected to the DC output stage, with the DC input stage configured to convert DC electrical power at the DC input stage into the predetermined DC electrical power available at the DC output stage wherein the DC input stage further comprises: | 26                        |
| a switching circuit that receives the DC electrical power and that is configured to generate a substantially AC waveform at a first AC voltage level from the DC electrical power;   | 69                        |
| a transformer connected to the switching circuit and configured to convert the substantially AC waveform at the first AC voltage level to a second AC voltage level; and   | 22                        |
| a full-wave rectifier connected to the transformer and configured to convert the substantially AC waveform at the second AC voltage level to the predetermined DC electrical power.  | 48                        |

Key to the Examiner's reading is that the claimed DC input stage reads on battery 26 of Matsushita. However, this reading simply ignores the recited structure of claim 1. For example, the recited AC input stage must be "*configured to convert AC electrical power at the AC input stage into the predetermined DC electrical power available at the DC output stage*". RCC type switching circuit 21 of Matsushita performs no such conversion. Further, the recited DC input stage of claim 1 is "*configured to convert DC electrical power at the DC input stage into the predetermined DC electrical power available at the DC output stage*". Battery 26 of Matsushita is not so configured. Still further, the recited DC input stage of claim 1 is recited as *further comprising* a switching circuit, a transformer, and a rectifier. Battery 26 of Matsushita has no such further

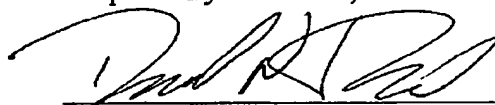
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elements. The Examiner finds these features in Matsushita's FIG. 1 as switching circuit 69, transformer 22, and rectifier 48. These elements are not part of battery 26 of Matsushita as in the recited structure of claim 1 and fail to provide the recited feature of the DC input stage to provide a predetermined DC electrical power to the DC output stage. The DC output stage is read by the Examiner as secondary drive circuit 25 of Matsushita. While it is true that secondary drive circuit 25 of Matsushita does output DC electrical power, the structure of Matsushita's drive circuit 25 receives AC electrical power through transformer 22 but the recited DC output stage receives DC electrical power.

These structural difference clearly distinguish the claimed invention from the teachings of the prior art but the Examiner has failed to even acknowledge the differences let alone address the differences in his office action. Applicants have pointed to these structural differences in a prior responses but the Examiner apparently fails to understand or even acknowledge the differences. Thus, the Examiner has failed to establish a prima facie case of either anticipation or obviousness based on the prior art of record. Applicants therefore respectfully request this review panel to reverse the Examiner's position and either allow the claims as presently submitted or require a legally adequate office action be provided.

Applicants have submitted herewith a Notice of Appeal along with the appropriate fees therefore. Applicants believe no further fees are due in this matter. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

Respectfully submitted,



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